

## **Procedures**

## Certification Decision

#### **Contents**

Introduction page 2-2-1

Receive a Request page 2-2-1

Conduct a Preliminary Assessment page 2-2-2

Step 1: Collect Information page 2-2-3

Step 2: Determine if the Plants or Plant Products Are Eligible for Certification page 2-2-4

Step 3: Determine the Plants or Plant Products' Origin and Destination page 2-2-5

Step 4: Identify Protected Plants page 2-2-6

Step 5: Determine Your Authority to Certify Protected Plants or Plant Products for

Export page 2-2-8

#### Introduction

This section of the *Procedures* chapter covers the initial steps to follow when a request is received to certify plants or plant products for export certification. Authorized Certification Officials (ACOs) need to assess if they can certify the plants or plant products based on what the product is, and the product's origin and destination. Also, ACOs **must** determine their authority to certify protected plants or plant products for export.

### **Receive a Request**

Before an ACO can conduct a preliminary assessment, someone **must** ask for a Federal plant export certificate (exporter, broker, shipper, or representative from another government office such as Agricultural Research Service and Agricultural Marketing Service).

The request may be received in any one of the following manners:

- ◆ Inquiry about exporting plant material by mail¹
- ◆ Letter or FAX
- ◆ PPQ Form 553, Certificate of Heat Treatment (partially completed)
- ◆ PPQ Form 572, Application for Inspection and Certification of Domestic Plants and Plant Products for Export

<sup>1</sup> See Special Procedures, Mail Exports on page 3-5-1.

- ◆ PPQ Form 577, Federal Phytosanitary Certificate (partially completed)
- ◆ PPQ Form 578, Export Certificate, Processed Plant Products (partially completed)
- ◆ PPQ Form 579, Phytosanitary Certificate for Reexport (partially completed)
- ♦ Phone call

Require a written application prior to completing a Federal plant export certificate. A written application provides ACOs with reliable information for properly completing a Federal plant export certificate and ensures the exporter's willingness to pay for services rendered. PPQ Form 572, Application for Inspection and Certification of Domestic Plants and Plant Products for Export, is specifically designed to provide the information needed to complete a Federal plant export certificate. The form also serves as a worksheet for ACOs to record inspection results. (See *Appendix B*, *PPQ Form 572*, *Application for Inspection and Certification of Domestic Plants and Plant Products for Export* on page B-1-13 for directions on completing the form.<sup>2</sup>)

### **Conduct a Preliminary Assessment**

Before referring to an export summary, inspecting a shipment, or completing a Federal plant export certificate, ACOs need to assess if they can certify the plants or plant products, and to determine if the shipment is of domestic or foreign origin. See Figure 2-2-1 for an overview of the procedures to follow when assessing whether to certify plants or plant products for export.

**Step 1: Collect Information** 

Step 2: Determine if the Plants or Plant Products Are Eligible for Certification

Step 3: Determine the Plants or Plant Products' Origin and Destination

**Step 4: Identify Protected Plants** 

Step 5: Determine Your Authority to Certify Protected Plants or Plant Products for Export

FIGURE 2-2-1: Overview of Assessing Whether to Certify Plants or Plant Products for Export

<sup>2</sup> PPQ Form 572 can be downloaded as a PDF file from web site address: <a href="http://www.aphis.usda.gov/library/forms">http://www.aphis.usda.gov/library/forms</a>>. This application may be available online at locations piloting the Phytosanitary Certificate Issuance Tracking System (PCIT); contact the PCIT Coordinator of USDA-APHIS-PPQ Export Services for further information.

#### **Step 1: Collect Information**

After receiving a request to inspect and to certify plants or plants products, collect the key information listed below to help determine whether you can issue a Federal plant export certificate:

- ◆ Date the plants or plant products are being shipped
- ◆ Location of the plants or plant products
- ◆ Location where the plants or plant products were grown (country, State, or county)
- ◆ Location where the plants or products are going (country and port(s) of entry)
- ♦ Name of plants or plant products (if possible, get botanical names; when the exporter provides a common name, then have the exporter precisely identify the plant product for the purposes of identifying specific import requirements (e.g., wheat grain versus wheat seeds)
- ◆ Supporting documents (collect available foreign phytosanitary certificate or equivalent, import permit, State or other Federal agency inspection certificate, laboratory test results)
- ◆ Whether the product is a processed product and if so, the degree of processing

After you have collected the key information, GO to **Step 2**: **Determine if the Plants or Plant Products Are Eligible for Certification** on page 2-2-4.

# **Step 2: Determine if the Plants or Plant Products Are Eligible for Certification**

Use **Table 2-2-1** to decide if you can certify the plants or plant products offered for export based on what they are.

TABLE 2-2-1: Determine if the Plants or Plant Products Are Eligible for Certification

If the articles are:	And they are:	And they are:	Then based on what the articles are:
Plants, parts of plants, or something derived from plants (including edible mushrooms <sup>1</sup> as vegetables)	Processed products such as:  Frozen fruits or vegetables  Pelletized plant material  Plywood	Listed in EXCERPT under Processed Products as eligible for PPQ Form 578	1. CONSIDER certifiable and eligible for PPQ Form 578 2. GO to Step 3: Determine the Plants or Plant Products' Origin and Destination on page 2-2-5
		Listed in EXCERPT under Ineligible Commodities	CONSIDER not certifiable and ineligible for a Federal plant export certificate     EXIT this manual
		<b>Not</b> on either list in EXCERPT	
	Unprocessed products <sup>2</sup>		CONSIDER certifiable and eligible for a Federal plant export certificate     Go to Step 3: Determine the Plants or Plant Products' Origin and Destination on page 2-2-5
Neither plants nor anything derived from plants	Living organisms such as:  Bacterial cultures		CONSIDER not certifiable     and ineligible for a Federal     plant export certificate     EXIT this manual
	<ul><li>◆ Fungal cultures</li><li>◆ Innoculants</li><li>◆ Soil inoculums</li></ul>		
	Nonplant products		
Mixture or combination of plant and non-plant materials		-	

Mushroom spawn is **not** eligible for any Federal plant export certificate (PPQ Forms 577, 578, or 579).

<sup>2</sup> Certain processed products are considered a pest risk when shipped in bulk or when the product maintains a pest risk regardless of processing. These products are **effectively unprocessed** for the purpose of export certification. Eligible processed products are listed in EXCERPT.

# **Step 3: Determine the Plants or Plant Products' Origin and Destination**

Use **Table 2-2-2** to decide if you can certify the plants or plant products based on their origin and destination.

TABLE 2-2-2: Determine Eligibility for Certification Based on Origin and Destination

If the articles originated in:	And the articles are being exported:	Then:	
United States, American Samoa,	To a foreign country	CONSIDER certifiable and eligible for PPQ Form 577 or PPQ Form 578.     A State phytosanitary certificate may be used only if accepted by the U.S. affiliated island	
Guam, Northern Mariana Islands, Puerto Rico, or the	Interstate via Canada		
U.S. Virgin Islands, (St. Thomas, St. Croix, St.	To the Marshall Islands	2. HANDLE the shipment as a domestic-origin shipment for export 3. GO to Step 4: Identify Protected Plants on page 2-2-6	
John)			
	To United States, American Samoa, Guam, Northern	CONSIDER not certifiable and ineligible for a Federal plant export certificate	
	Mariana Islands, Puerto Rico, or the U.S. Virgin Islands (St. Thomas, St. Croix, St. John)	2. REFER exporter to the State, country, or Affiliated Island's plant regulatory agency for certification using a State phytosanitary certificate	
A foreign country or the	To a foreign country	EXIT this manual     CONSIDER certifiable and eligible	
Marshall Islands (islands affiliated with		for PPQ Form 578 or PPQ Form 579 2. HANDLE the shipment as a foreign-origin shipment for re-export	
the United States)	Interstate via Canada		
	To the Marshall Islands	3. G0 to Step 4: Identify Protected Plants on page 2-2-6	
	To American Samoa, Guam, Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands (St. Thomas, St. Croix, St. John)		

### **Step 4: Identify Protected Plants**

[This step will be reviewed by PPQ subject matter experts along with the other sections in the manual about certifying protected plants. Consult with Export Services about clarification of protected plant procedures.]

PPQ is responsible for enforcing The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and The Endangered Species Act (ESA) for exporting and re-exporting listed plants. Therefore, ACOs **must** identify whether the plants or plant products are protected by CITES or ESA before confirming that they can meet the import requirements of the foreign country. After identifying the articles as protected plants or plants parts, use **Table 2-2-3** to determine if they can be certified based on their CITES or ESA status.

ACOs can use EXCERPT to look up if the plant name is a protected plant or plant part. Also, ACOs can access the following web site addresses for the same listings:

- ◆ CITES web site address: <a href="http://www.CITES.org/">http://www.CITES.org/>
- ◆ ESA web site address: <a href="http://endangered.fws.gov/wildlife.html#Species">http://endangered.fws.gov/wildlife.html#Species</a>>

All protected plants are listed in EXCERPT, including genera in the families Cactaceae and Orchidaceae. The **Characteristics of Cactaceae** and the **Characteristics of Orchidaceae** are listed below to help visually identify plants or plant products that may be regulated by CITES or ESA.

# Characteristics of Cactaceae

Characteristics of Cactaceae are as follows:

- ◆ Stems are succulent with small, woolly or felt area often bearing clusters of spines or bristles
- ◆ If stems are **not** succulent, then look for stems with tufts of fuzz and spines arising from the fuzz

## Characteristics of Orchidaceae

Characteristics of Orchidaceae are as follows:

- ♦ Flowers are orchid-like
- ◆ Leaf venation is parallel
- ◆ Roots are fibrous or cord-like-to-tuberous
- ◆ Stems often are more or less swollen or thickened and form a pseudo bulb

If you **cannot** find the plant name and/or you doubt its accuracy, then hold the shipment until the plants are correctly identified. If local expertise is unavailable, then consult with the nearest PPQ botanist.

TABLE 2-2-3: Determine if Plants or Plant Products Can Be Certified Based on CITES and ESA Status

If the articles being exported are:	And they are:	And you are a:	Then:
Neither protected by CITES nor ESA	Domestic plants or unprocessed plant products		GO to <i>Procedures</i> , <i>Import Requirements</i> on page 2-3-1 to identify import requirements and determine if you can issue PPQ Form 577
	Foreign-origin plants or unprocessed plant products		GO to Procedures, Export Certificates, PPQ Form 579, Phytosanitary Certificate for Reexport on page 2-5-40 to identify import requirements and determine if you can issue PPQ Form 579
	Eligible processed products listed in EXCERPT as a processed product eligible for PPQ Form 578	PPQ Officer (ACO)	1. COLLECT a user fee or RECORD a prepaid PPQ Form 578 (see Special Procedures, <i>User Fees</i> on page 3-11-1) 2. GO to <i>Procedures, Export Certificates, PPQ Form 578, Export Certificate, Processed Plant Products</i> on page 2-5-32 for directions to complete PPQ Form 578
		State or county cooperator (ACO)	If applicable, SEE your local policy for collecting user fees     Go to Procedures, Export Certificates, PPQ Form 578, Export Certificate, Processed Plant Products on page 2-5-32 for directions to complete PPQ Form 578
Protected by CITES or ESA		-	GO to Step 5: Determine Your Authority to Certify Protected Plants or Plant Products for Export on page 2-2-8 to determine your authority and action to take for certifying protected plants

# **Step 5: Determine Your Authority to Certify Protected Plants or Plant Products for Export**

[This step will be reviewed by PPQ subject matter experts for accuracy, currency, and comprehensiveness. Consult with Export Services about clarification of protected plant procedures.]

**Only** ACOs located at designated CITES ports are authorized to certify protected plants or plant products. Therefore, you **must** determine whether you are located at a designated CITES port.

ACOs can use EXCERPT to look up the designated CITES ports for plants (by State), or use these other sources for the same listing:

- ♦ 50CFR 24.12
- ◆ USDA-APHIS-PPQ web site address below:

<a href="http://www.aphis.usda.gov/ppq/permits/cites">http://www.aphis.usda.gov/ppq/permits/cites</a>

After identifying the designated CITES ports, use **Table 2-2-4** to determine your authority to certify protected plants or plant products for export.

TABLE 2-2-4: Determine Authority to Certify Protected Plants or Plant Products

If you are:	Then:
Located at a designated CITES port	GO to Special Procedures, Processing Protected Plants
<b>Not</b> at a designated CITES port	<ol> <li>CONTACT the nearest designated CITES port or a PPQ regional botanist (through proper channels) or Export Certification Specialist for guidance to arrange to move the shipment to a designated port (at the owner's expense). Some designated CITES ports have established procedures for ACOs at interstate locations and non-designated CITES ports to assist in inspecting and processing shipments of protected plants<sup>1</sup></li> <li>EXIT this manual. You are <b>not</b> authorized to complete a Federal plant export certificate for plants or plant products regulated by CITES or ESA</li> </ol>

Some designated CITES ports have established procedures that allow State or county cooperators to attest that the plants are artificially propagated and to complete a State phytosanitary certificate. The exporter sends the State phytosanitary certificate, the invoice, and specified copies of the CITES or ESA documents to the designated CITES port for validation and endorsement. At some designated CITES ports, a blank Federal plant export certificate must be obtained and partially completed by the exporter and sent back to the designated CITES port, along with the other paperwork.

Procedures have been established to allow PPQ officers at non-designated CITES ports to confirm that the exporter has PPQ Form 622, USDA General Permit, and proper CITES or ESA documents. The officer confirms that all the paperwork agrees with the shipment and has the exporter complete PPQ Form 572 and send along with specified copies of the invoice and CITES or ESA documents to the designated CITES port for validation and endorsement. If there's a concern about the shipment's validity, then shipments may be required to go through the designated CITES port.

**Procedures:** Certification Decision Conduct a Preliminary Assessment